

McELROY, DEUTSCH, MULVANEY & CARPENTER, LLP
ROBERT P. DONOVAN, ESQ.

rdonovan@mdmc-law.com
570 Broad Street, Suite 1500
Newark, New Jersey 07102
Telephone: (973) 622-7711
Facsimile: (973) 622-5314

*Attorneys for Defendants, Arizona Beverages USA LLC,
Hornell Brewing Co., Inc., Beverage Marketing USA, Inc.,
Beverage Marketing USA, Inc., Arizona Beverages Holdings
LLC and Arizona Beverages Holdings 2 LLC*

THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AHMED ASHOUR, individually and on behalf
of all others similarly situated,

Plaintiff,

v.

ARIZONA BEVERAGES USA LLC,
HORNELL BREWING CO., INC.,
BEVERAGE MARKETING USA, INC.,
ARIZONA BEVERAGES HOLDINGS LLC,
and ARIZONA BEVERAGES HOLDINGS 2
LLC,

Defendants.

Case No. 1:19-cv-07081(AT)(OTW)

DEFENDANTS' NOTICE OF MOTION
TO DISMISS PLAINTIFF'S
COMPLAINT AND TO DISMISS OR
OTHERWISE STRIKE THE
NATIONWIDE CLASS ACTION
CLAIM FOR UNJUST ENRICHMENT

TO: Michael R. Reese, Esq.
Reese LLP
100 West 93rd Street, 16th Floor
New York, New York 10025
Attorneys for Plaintiff, Ahmed Ashour

PLEASE TAKE NOTICE that defendants, Arizona Beverages USA LLC, Hornell
Brewing Co., Inc., Beverage Marketing USA, Inc., Beverage Marketing USA, Inc., Arizona

Beverages Holdings LLC and Arizona Beverages Holdings 2 LLC ("Defendants"), by and through their undersigned counsel, shall move before the above-named Court on November 20, 2019, at 10:00 a.m., or as soon thereafter as counsel may be heard, to dismiss Plaintiff's complaint pursuant to Rules 12(b)(6) and 9(b) of the Federal Rules of Civil Procedure and to dismiss or otherwise to strike Plaintiff's nationwide class action claim for unjust enrichment in accordance with Rules 12(b)(6) and/or 12(f) of the Federal Rules of Civil Procedure.

PLEASE TAKE FURTHER NOTICE that Defendants shall rely upon the accompanying Memorandum of Law. A proposed form of Order has been submitted.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: October 14, 2019

By: /s/Robert P. Donovan
ROBERT P. DONOVAN

McElroy, Deutsch, Mulvaney
& Carpenter, LLP
570 Broad Street, 15th Floor
Newark, New Jersey 07102
Telephone: (973) 565-2195
Facsimile: (973) 622-5314
rdonovan@mdmc-law.com
Attorneys for Defendants, Arizona
Beverages USA LLC, Hornell Brewing Co., Inc., Beverage Marketing USA, Inc.,
Arizona Beverages Holdings LLC, and
Arizona Beverages Holdings 2 LLC